



PATENT  
Attorney Docket No. OPHD-02304

08 704159  
1/2/A  
Anne Blanketto  
3/5/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of James A. Williams and Bruce S. Thalley for MULTIVALENT VACCINE FOR *CLOSTRIDIUM BOTULINUM* NEUROTOXIN.

HOD et al.  
CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service on this date August 28, 1996 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EM 121 692 786 US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

*Victoria Montemayor*  
Victoria Montemayor

1. Type of Application

This new application is for a(n)

- Original (nonprovisional)
- Continuation-in-Part (C-I-P).

2. Benefit of Prior U.S. Application(s). 35 U.S.C. § 120.

- The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR § 1.53(b) (Regular) or 37 CFR § 1.153 (Design) Application

- 447 Pages of specification
- 3 Pages of claims
- 1 Page of abstract
- 40 Sheets of informal drawings

4. Additional Papers Enclosed

- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Certificate Re: Sequence Listing

5. Declaration

- Enclosed
- Unexecuted.

6. Inventorship Statement

The inventorship for all the claims in this application is:

- the same

7. Language

- English

8. Assignment

- An assignment of the invention to **OPHIDIAN PHARMACEUTICALS, INC.** is attached.
- Form PTO-1595 will follow.



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Fee Calculation (37 CFR § 1.16)

Regular application

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee - \$750.00 (37 CFR § 1.16(a))
Total Claims (37 CFR § 1.16(c))	24 - 20 =	4 × \$22.00	\$88.00
Independent Claims (37 CFR § 1.16(b))	4 - 3 =	1 × \$78.00	\$78.00
Multiple Dependent Claim(s), if any (37 CFR § 1.16(d))		+ \$250.00	\$0.00
		Filing Fee Calculation	\$916.00

10. Small Entity Statement(s)

Verified Statement(s) that this is a filing by a small entity under 37 CFR §§ 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of above) \$458.00

11. Fee Payment Being Made At This Time

Enclosed

basic filing fee \$458.00

Total fees enclosed \$458.00

12. Method of Payment of Fees

Charge Account No. 08-1290 in the amount of \$458.00. An originally executed duplicate of this transmittal is attached.

13. Authorization To Charge Additional Fees and Credit Overpayment

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, during the entire pendency of this application, to Account No. 08-1290.

14. Power of Attorney by Assignee

Enclosed

15. Return Receipt Postcard

Enclosed

Dated: August 28, 1996

Diane E. Ingolia

Diane E. Ingolia  
Registration No. 40,027

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Incorporation By Reference Of Added Pages

Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed

Number of pages added 1



ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED

16. Relate Back - 35 U.S.C. § 120

- Amend the Specification by inserting before the first line the sentence: "This Application is a Continuation-In-Part of copending Application Serial No. 08/405,496, filed on March 16, 1995."

17. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- a. This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above, the inventor(s) in this application are:
- add the following additional inventor(s): **Bruce S. Thalley**
- b. The inventorship for all the claims in this application is:
- the same.

18. Notification in Parent Application of this Filing

- A notification of the filing of this
- continuation-in-part

is being filed in the parent application from which this application claims priority under 35 U.S.C. § 120.